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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 RAMON SILVA,

10 Plaintiff,

Case No. C19-619-RAJ-MLP

11 v.

12 TROY BACON, *et al.*,

13 Defendants.

ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY

14 This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before  
15 the Court at the present time on Plaintiff's motion to compel discovery. (Dkt. # 41.) Plaintiff  
16 requests in his motion that Defendant Troy Bacon be ordered to answer a number of  
17 interrogatories from Plaintiff's first set of interrogatories because the answers originally provided  
18 to the specified interrogatories (numbers 3, 4, 8 and 16) were evasive and should therefore be  
19 treated as a failure to respond pursuant to Fed. R. Civ. P. 37(a)(4). (*See id.*) Defendants argue in  
20 their response to Plaintiff's motion to compel that the motion is deficient because Plaintiff made  
21 no effort to meet and confer with Defendants regarding the matters in dispute prior to filing his  
22 motion to compel as required by the Federal Rules of Civil Procedure and the Local Rules of this  
23 Court. (*See* Dkt. # 45 at 2-4.)

ORDER DENYING PLAINTIFF'S MOTION  
TO COMPEL DISCOVERY - 1

1 Rule 37(a)(1) of the Federal Rules of Civil Procedure requires that a party seeking to  
2 compel discovery include in the motion a certification that the moving party “has in good faith  
3 conferred or attempted to confer” with the party failing to make disclosures. *See* Fed. R. Civ. P.  
4 37(a)(1). LCR 37(a)(1) provides that “a good faith effort to confer with a party or person not  
5 making a disclosure or discovery requires a face-to-face meeting or a telephone conference.”  
6 Plaintiff did not provide the requisite certification with his motion to compel nor does it appear  
7 from the record that he ever requested a face-to-face meeting with Defendants prior to filing his  
8 motion.

9 The record does reflect that Plaintiff sent Defendants’ counsel a letter in early October  
10 2019, prior to filing his motion to compel, in which he complained that Defendant Bacon had not  
11 signed his responses to Plaintiff’s interrogatories. (*See* Dkt. # 46, Ex. A.) Plaintiff also expressed  
12 his dissatisfaction with Defendant Bacon’s answers to interrogatory numbers 3 and 16, claiming  
13 that the answers were evasive and requesting that the interrogatories be answered with a yes or  
14 no. (*Id.*) In addition, Plaintiff advised Defendants that they “may want to rethink #’s 12, 13, 14  
15 and 15,” apparently because Plaintiff disagreed with Defendants’ responses to his grievances  
16 pertaining to matters addressed in those interrogatories. (*Id.*) Plaintiff indicated in his letter that  
17 he would move for an order to compel if Defendant Bacon did not sign his interrogatories and/or  
18 did not make corrections to the specified interrogatories within seven days. (*Id.*) This letter was  
19 not sufficient to satisfy the requirements of LCR 37(a)(1).

20 In addition to this deficiency which is, by itself, fatal to Plaintiff’s motion to compel,  
21 there is, in any event, insufficient information in the record to permit the Court to consider the  
22 merits of Plaintiff’s motion. Plaintiff maintains that Defendant Bacon failed to properly answer  
23 specified interrogatories, but he supplies no information regarding the content of either the

1 interrogatories in question or the answers provided by Defendant Bacon. Absent such  
2 information, it is simply not possible for the Court to render any opinion regarding the  
3 sufficiency of the challenged answers.

4 Based on the foregoing, the Court hereby ORDERS as follows:

5 (1) Plaintiff's motion to compel discovery (dkt. # 41) is DENIED.

6 (2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
7 Defendants, and to the Honorable Richard A. Jones.

8 Dated this 26th day of December, 2019.

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11 MICHELLE L. PETERSON  
12 United States Magistrate Judge  
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